

111TH CONGRESS
1ST SESSION

H. R. 1924

To amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Ms. HERSETH SANDLIN (for herself, Mr. KILDEE, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Natural Resources, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Tribal Law and Order Act of 2009”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purposes.
- Sec. 3. Definitions.
- Sec. 4. Severability clause.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

- Sec. 101. Office of Justice Services responsibilities.
- Sec. 102. Declination reports.
- Sec. 103. Prosecution of crimes in Indian country.
- Sec. 104. Administration.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

- Sec. 201. State criminal jurisdiction and resources.
- Sec. 202. Incentives for State, tribal, and local law enforcement cooperation.

**TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES
AND TRIBAL GOVERNMENTS**

- Sec. 301. Tribal police officers.
- Sec. 302. Drug enforcement in Indian country.
- Sec. 303. Access to national criminal information databases.
- Sec. 304. Tribal court sentencing authority.
- Sec. 305. Indian Law and Order Commission.

TITLE IV—TRIBAL JUSTICE SYSTEMS

- Sec. 401. Indian alcohol and substance abuse.
- Sec. 402. Indian tribal justice; technical and legal assistance.
- Sec. 403. Tribal resources grant program.
- Sec. 404. Tribal jails program.
- Sec. 405. Tribal probation office liaison program.
- Sec. 406. Tribal youth program.

**TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND
INFORMATION SHARING**

- Sec. 501. Tracking of crimes committed in Indian country.
- Sec. 502. Grants to improve tribal data collection systems.
- Sec. 503. Criminal history record improvement program.

**TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT
PROSECUTION AND PREVENTION**

- Sec. 601. Prisoner release and reentry.
- Sec. 602. Domestic and sexual violent offense training.

Sec. 603. Testimony by Federal employees in cases of rape and sexual assault.
Sec. 604. Coordination of Federal agencies.
Sec. 605. Sexual assault protocol.

1 **SEC. 2. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the United States has distinct legal, treaty,
4 and trust obligations to provide for the public safety
5 of tribal communities;

6 (2) several States have been delegated or have
7 accepted responsibility to provide for the public safe-
8 ty of tribal communities within the borders of the
9 States;

10 (3) Congress and the President have acknowl-
11 edged that—

12 (A) tribal law enforcement officers are
13 often the first responders to crimes on Indian
14 reservations; and

15 (B) tribal justice systems are ultimately
16 the most appropriate institutions for maintain-
17 ing law and order in tribal communities;

18 (4) less than 3,000 tribal and Federal law en-
19 forcement officers patrol more than 56,000,000
20 acres of Indian country, which reflects less than ½
21 of the law enforcement presence in comparable rural
22 communities nationwide;

23 (5) on many Indian reservations, law enforce-
24 ment officers respond to distress or emergency calls

1 without backup and travel to remote locations with-
2 out adequate radio communication or access to na-
3 tional crime information database systems;

4 (6) the majority of tribal detention facilities
5 were constructed decades before the date of enact-
6 ment of this Act and must be or will soon need to
7 be replaced, creating a multibillion-dollar backlog in
8 facility needs;

9 (7) a number of Indian country offenders face
10 no consequences for minor crimes, and many such
11 offenders are released due to severe overcrowding in
12 existing detention facilities;

13 (8) tribal courts—

14 (A) are the primary arbiters of criminal
15 and civil justice for actions arising in Indian
16 country; but

17 (B) have been historically underfunded;

18 (9) tribal courts have no criminal jurisdiction
19 over non-Indian persons, and the sentencing author-
20 ity of tribal courts is limited to sentences of not
21 more than 1 year of imprisonment for Indian offend-
22 ers, forcing tribal communities to rely solely on the
23 Federal Government and certain State governments
24 for the prosecution of—

1 (A) misdemeanors committed by non-In-
2 dian persons; and

3 (B) all felony crimes in Indian country;

4 (10) a significant percentage of cases referred
5 to Federal agencies for prosecution of crimes alleg-
6 edly occurring in tribal communities are declined to
7 be prosecuted;

8 (11) the complicated jurisdictional scheme that
9 exists in Indian country—

10 (A) has a significant negative impact on
11 the ability to provide public safety to Indian
12 communities; and

13 (B) has been increasingly exploited by
14 criminals;

15 (12) the violent crime rate in Indian country
16 is—

17 (A) nearly twice the national average; and

18 (B) more than 20 times the national aver-
19 age on some Indian reservations;

20 (13)(A) domestic and sexual violence against
21 Indian and Alaska Native women has reached epi-
22 demic proportions;

23 (B) 34 percent of Indian and Alaska Native
24 women will be raped in their lifetimes; and

1 (C) 39 percent of Indian and Alaska Native
2 women will be subject to domestic violence;

3 (14) the lack of police presence and resources
4 in Indian country has resulted in significant delays
5 in responding to victims' calls for assistance, which
6 adversely affects the collection of evidence needed to
7 prosecute crimes, particularly crimes of domestic
8 and sexual violence;

9 (15) alcohol and drug abuse plays a role in
10 more than 80 percent of crimes committed in tribal
11 communities;

12 (16) the rate of methamphetamine addiction in
13 tribal communities is 3 times the national average;

14 (17) the Department of Justice has reported
15 that drug organizations have increasingly targeted
16 Indian country to produce and distribute meth-
17 amphetamine, citing the limited law enforcement
18 presence and jurisdictional confusion as reasons for
19 the increased activity;

20 (18) tribal communities face significant in-
21 creases in instances of domestic violence, burglary,
22 assault, and child abuse as a direct result of in-
23 creased methamphetamine use on Indian reserva-
24 tions;

1 (19)(A) criminal jurisdiction in Indian country
2 is complex, and responsibility for Indian country law
3 enforcement is shared among Federal, tribal, and
4 State authorities; and

5 (B) that complexity requires a high degree of
6 commitment and cooperation from Federal and
7 State officials that can be difficult to establish;

8 (20) agreements for cooperation among cer-
9 tified tribal and State law enforcement officers have
10 proven to improve law enforcement in tribal commu-
11 nities;

12 (21) consistent communication among tribal,
13 Federal, and State law enforcement agencies has
14 proven to increase public safety and justice in tribal
15 and nearby communities; and

16 (22) crime data is a fundamental tool of law en-
17 forcement, but for decades the Bureau of Indian Af-
18 fairs and the Department of Justice have not been
19 able to coordinate or consistently report crime and
20 prosecution rates in tribal communities.

21 (b) PURPOSES.—The purposes of this Act are—

22 (1) to clarify the responsibilities of Federal,
23 State, tribal, and local governments with respect to
24 crimes committed in tribal communities;

1 (2) to increase coordination and communication
2 among Federal, State, tribal, and local law enforce-
3 ment agencies;

4 (3) to empower tribal governments with the au-
5 thority, resources, and information necessary to
6 safely and effectively provide for the safety of the
7 public in tribal communities;

8 (4) to reduce the prevalence of violent crime in
9 tribal communities and to combat violence against
10 Indian and Alaska Native women;

11 (5) to address and prevent drug trafficking and
12 reduce rates of alcohol and drug addiction in Indian
13 country; and

14 (6) to increase and standardize the collection of
15 criminal data and the sharing of criminal history in-
16 formation among Federal, State, and tribal officials
17 responsible for responding to and investigating
18 crimes in tribal communities.

19 **SEC. 3. DEFINITIONS.**

20 (a) IN GENERAL.—In this Act:

21 (1) INDIAN COMMUNITY.—The term “Indian
22 community” means a community of a federally rec-
23 ognized Indian tribe.

1 (2) INDIAN COUNTRY.—The term “Indian coun-
2 try” has the meaning given the term in section 1151
3 of title 18, United States Code.

4 (3) INDIAN TRIBE.—The term “Indian tribe”
5 has the meaning given the term in section 102 of the
6 Federally Recognized Indian Tribe List Act of 1994
7 (25 U.S.C. 479a).

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (5) TRIBAL GOVERNMENT.—The term “tribal
11 government” means the governing body of an Indian
12 tribe.

13 (b) INDIAN LAW ENFORCEMENT REFORM ACT.—
14 Section 2 of the Indian Law Enforcement Reform Act (25
15 U.S.C. 2801) is amended by adding at the end the fol-
16 lowing:

17 “(10) TRIBAL JUSTICE OFFICIAL.—The term
18 ‘tribal justice official’ means—

19 “(A) a tribal prosecutor;

20 “(B) a tribal law enforcement officer; or

21 “(C) any other person responsible for in-
22 vestigating or prosecuting an alleged criminal
23 offense in tribal court.”.

1 **SEC. 4. SEVERABILITY CLAUSE.**

2 If any provision of this Act, an amendment made this
3 Act, or the application of such provision or amendment
4 to any person or circumstance is held to be unconstitu-
5 tional, the remainder of this Act, the amendments made
6 by this Act, and the application of the provisions of such
7 to any person or circumstances shall not be affected there-
8 by.

9 **TITLE I—FEDERAL ACCOUNT-**
10 **ABILITY AND COORDINATION**

11 **SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBIL-**
12 **ITIES.**

13 (a) DEFINITIONS.—Section 2 of the Indian Law En-
14 forcement Reform Act (25 U.S.C. 2801) is amended—

15 (1) by striking paragraph (8);

16 (2) by redesignating paragraphs (1) through
17 (7) as paragraphs (2) through (8), respectively;

18 (3) by redesignating paragraph (9) as para-
19 graph (1) and moving the paragraphs so as to ap-
20 pear in numerical order; and

21 (4) in paragraph (1) (as redesignated by para-
22 graph (3)), by striking “Division of Law Enforce-
23 ment Services” and inserting “Office of Justice
24 Services”.

1 (b) ADDITIONAL RESPONSIBILITIES OF OFFICE.—
2 Section 3 of the Indian Law Enforcement Reform Act (25
3 U.S.C. 2802) is amended—

4 (1) in subsection (b), by striking “(b) There is
5 hereby established within the Bureau a Division of
6 Law Enforcement Services which” and inserting the
7 following:

8 “(b) OFFICE OF JUSTICE SERVICES.—There is estab-
9 lished in the Bureau an office, to be known as the ‘Office
10 of Justice Services’, that”;

11 (2) in subsection (c)—

12 (A) in the matter preceding paragraph (1),
13 by striking “Division of Law Enforcement Serv-
14 ices” and inserting “Office of Justice Services”;

15 (B) in paragraph (2), by inserting “and,
16 with the consent of the Indian tribe, tribal
17 criminal laws, including testifying in tribal
18 court” before the semicolon at the end;

19 (C) in paragraph (8), by striking “and” at
20 the end;

21 (D) in paragraph (9), by striking the pe-
22 riod at the end and inserting a semicolon; and

23 (E) by adding at the end the following:

24 “(10) the development and provision of dispatch
25 and emergency and E-911 services;

1 “(11) communicating with tribal leaders, tribal
2 community and victims’ advocates, tribal justice offi-
3 cials, and residents of Indian land on a regular basis
4 regarding public safety and justice concerns facing
5 tribal communities;

6 “(12) conducting meaningful and timely con-
7 sultation with tribal leaders and tribal justice offi-
8 cials in the development of regulatory policies and
9 other actions that affect public safety and justice in
10 Indian country;

11 “(13) providing technical assistance and train-
12 ing to tribal law enforcement officials to gain access
13 and input authority to utilize the National Criminal
14 Information Center and other national crime infor-
15 mation databases pursuant to section 534 of title
16 28, United States Code;

17 “(14) in coordination with the Attorney General
18 pursuant to subsection (g) of section 302 of the Om-
19 nibus Crime Control and Safe Streets Act of 1968
20 (42 U.S.C. 3732), collecting, analyzing, and report-
21 ing data regarding Indian country crimes on an an-
22 nual basis;

23 “(15) submitting to the Committee on Indian
24 Affairs of the Senate and the Committee on Natural
25 Resources of the House of Representatives, for each

1 fiscal year, a detailed spending report regarding
2 tribal public safety and justice programs that in-
3 cludes—

4 “(A)(i) the number of full-time employees
5 of the Bureau and tribal government who serve
6 as—

7 “(I) criminal investigators;

8 “(II) uniform police;

9 “(III) police and emergency dis-
10 patchers;

11 “(IV) detention officers;

12 “(V) executive personnel, including
13 special agents in charge, and directors and
14 deputies of various offices in the Office of
15 Justice Services; or

16 “(VI) tribal court judges, prosecutors,
17 public defenders, or related staff; and

18 “(ii) the amount of appropriations obli-
19 gated for each category described in clause (i)
20 for each fiscal year;

21 “(B) a list of amounts dedicated to law en-
22 forcement and corrections, vehicles, related
23 transportation costs, equipment, inmate trans-
24 portation costs, inmate transfer costs, replace-
25 ment, improvement, and repair of facilities, per-

sonnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, and related program costs;

“(C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

“(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs administered by the Office of Justice Services;

“(16) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-deter-

1 mination contracts or self-governance compacts with
2 the Bureau of Indian Affairs; and

3 “(17) promulgating regulations to carry out
4 this Act, and routinely reviewing and updating, as
5 necessary, the regulations contained in subchapter B
6 of title 25, Code of Federal Regulations (or suc-
7 cessor regulations).”;

8 (3) in subsection (d)—

9 (A) in paragraph (1), by striking “Division
10 of Law Enforcement Services” and inserting
11 “Office of Justice Services”;

12 (B) in paragraph (3)—

13 (i) by striking “regulations which
14 shall establish” and inserting “regulations,
15 which shall—

16 “(A) establish”;

17 (ii) by striking “reservation.” and in-
18 serting “reservation; but”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(B) support the enforcement of tribal
22 laws and investigation of offenses against tribal
23 criminal laws.”; and

1 (C) in paragraph (4)(i), in the first sen-
2 tence, by striking “Division” and inserting “Of-
3 fice of Justice Services”;

4 (4) in subsection (e), by striking “Division of
5 Law Enforcement Services” each place it appears
6 and inserting “Office of Justice Services”; and

7 (5) by adding at the end the following:

8 “(f) LONG-TERM PLAN FOR TRIBAL DETENTION
9 PROGRAMS.—Not later than 1 year after the date of en-
10 actment of this subsection, the Secretary, acting through
11 the Bureau, in coordination with the Department of Jus-
12 tice and in consultation with tribal leaders, tribal law en-
13 forcement officers, and tribal corrections officials, shall
14 submit to Congress a long-term plan to address incarcer-
15 ation in Indian country, including a description of—

16 “(1) proposed activities for the construction of
17 detention facilities (including regional facilities) on
18 Indian land;

19 “(2) proposed activities for the construction of
20 additional Federal detention facilities on Indian
21 land;

22 “(3) proposed activities for contracting with
23 State and local detention centers, upon approval of
24 affected tribal governments;

1 “(4) proposed activities for alternatives to in-
2 carceration, developed in cooperation with tribal
3 court systems; and

4 “(5) other such alternatives to incarceration as
5 the Secretary, in coordination with the Bureau and
6 in consultation with tribal representatives, deter-
7 mines to be necessary.

8 “(g) LAW ENFORCEMENT PERSONNEL OF BUREAU
9 AND INDIAN TRIBES.—

10 “(1) REPORT.—Not later than 60 days after
11 the date of enactment of this subsection, the Sec-
12 retary shall submit to the Committee on Indian Af-
13 fairs of the Senate and the Committee on Natural
14 Resources of the House of Representatives a report
15 regarding vacancies in law enforcement personnel of
16 Bureau and Indian tribes.

17 “(2) LONG-TERM PLAN.—Not later than 1 year
18 after the date of enactment of this subsection, the
19 Secretary shall submit to the Committee on Indian
20 Affairs of the Senate and the Committee on Natural
21 Resources of the House of Representatives a long-
22 term plan to address law enforcement personnel
23 needs in Indian country.”.

1 (c) LAW ENFORCEMENT AUTHORITY.—Section 4 of
2 the Indian Law Enforcement Reform Act (25 U.S.C.
3 2803) is amended—

4 (1) in paragraph (2)(A), by striking “), or” and
5 inserting “or offenses committed on Federal prop-
6 erty processed by the Central Violations Bureau);
7 or”; and

8 (2) in paragraph (3), by striking subparagraphs
9 (A) through (C) and inserting the following:

10 “(A) the offense is committed in the pres-
11 ence of the employee; or

12 “(B) the offense is a Federal crime and
13 the employee has reasonable grounds to believe
14 that the person to be arrested has committed,
15 or is committing, the crime;”.

16 **SEC. 102. DECLINATION REPORTS.**

17 Section 10 of the Indian Law Enforcement Reform
18 Act (25 U.S.C. 2809) is amended by striking subsections
19 (a) through (d) and inserting the following:

20 “(a) REPORTS.—

21 “(1) LAW ENFORCEMENT OFFICIALS.—Subject
22 to subsection (d), if a law enforcement officer or em-
23 ployee of any Federal department or agency declines
24 to initiate an investigation of an alleged violation of
25 Federal law in Indian country, or terminates such

1 an investigation without referral for prosecution, the
2 officer or employee shall—

3 “(A) submit to the appropriate tribal jus-
4 tice officials evidence, including related reports,
5 relevant to the case that would advance pros-
6 ecution of the case in a tribal court; and

7 “(B) submit to the Office of Indian Coun-
8 try Crime relevant information regarding all
9 declinations of alleged violations of Federal law
10 in Indian country, including—

11 “(i) the type of crime alleged;

12 “(ii) the status of the accused as an
13 Indian or non-Indian;

14 “(iii) the status of the victim as an
15 Indian; and

16 “(iv) the reason for declining to ini-
17 tiate, open, or terminate the investigation.

18 “(2) UNITED STATES ATTORNEYS.—Subject to
19 subsection (d), if a United States Attorney declines
20 to prosecute, or acts to terminate prosecution of, an
21 alleged violation of Federal law in Indian country,
22 the United States Attorney shall—

23 “(A) submit to the appropriate tribal jus-
24 tice official, sufficiently in advance of the tribal
25 statute of limitations, evidence relevant to the

1 case to permit the tribal prosecutor to pursue
2 the case in tribal court; and

3 “(B) submit to the Office of Indian Coun-
4 try Crime and the appropriate tribal justice of-
5 ficial relevant information regarding all declina-
6 tions of alleged violations of Federal law in In-
7 dian country, including—

8 “(i) the type of crime alleged;

9 “(ii) the status of the accused as an
10 Indian or non-Indian;

11 “(iii) the status of the victim as an
12 Indian; and

13 “(iv) the reason for the determination
14 to decline or terminate the prosecution.

15 “(b) MAINTENANCE OF RECORDS.—

16 “(1) IN GENERAL.—The Director of the Office
17 of Indian Country Crime shall establish and main-
18 tain a compilation of information received under
19 paragraph (1) or (2) of subsection (a) relating to
20 declinations.

21 “(2) AVAILABILITY TO CONGRESS.—Each com-
22 pilation under paragraph (1) shall be made available
23 to Congress on an annual basis.

24 “(c) INCLUSION OF CASE FILES.—A report sub-
25 mitted to the appropriate tribal justice officials under

1 paragraph (1) or (2) of subsection (a) may include the
 2 case file, including evidence collected and statements
 3 taken that could support an investigation or prosecution
 4 by the appropriate tribal justice officials.

5 “(d) EFFECT OF SECTION.—

6 “(1) IN GENERAL.—Nothing in this section re-
 7 quires any Federal agency or official to transfer or
 8 disclose any confidential or privileged communica-
 9 tion, information, or source to an official of any In-
 10 dian tribe.

11 “(2) FEDERAL RULES OF CRIMINAL PROCE-
 12 DURE.—Rule 6 of the Federal Rules of Criminal
 13 Procedure shall apply to this section.

14 “(3) REGULATIONS.—Each Federal agency re-
 15 quired to submit a report pursuant to this section
 16 shall adopt, by regulation, standards for the protec-
 17 tion of confidential or privileged communications, in-
 18 formation, and sources under paragraph (1).”.

19 **SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.**

20 (a) APPOINTMENT OF SPECIAL PROSECUTORS.—Sec-
 21 tion 543 of title 28, United States Code, is amended—

22 (1) in subsection (a), by inserting before the pe-
 23 riod at the end the following: “, including the ap-
 24 pointment of qualified tribal prosecutors and other

1 qualified attorneys to assist in prosecuting Federal
2 offenses committed in Indian country”; and

3 (2) by adding at the end the following:

4 “(c) SENSE OF CONGRESS REGARDING CONSULTA-
5 TION.—It is the sense of Congress that, in appointing at-
6 torneys under this section to serve as special prosecutors
7 in Indian country, the Attorney General should consult
8 with tribal justice officials of each Indian tribe that would
9 be affected by the appointment.”.

10 (b) TRIBAL LIAISONS.—The Indian Law Enforce-
11 ment Reform Act (25 U.S.C. 2801 et seq.) is amended
12 by adding at the end the following:

13 **“SEC. 11. ASSISTANT UNITED STATES ATTORNEY TRIBAL LI-**
14 **AISONS.**

15 “(a) APPOINTMENT.—Each United States Attorney
16 the district of which includes Indian country shall appoint
17 not less than 1 assistant United States Attorney to serve
18 as a tribal liaison for the district.

19 “(b) DUTIES.—A tribal liaison shall be responsible
20 for the following activities in the district of the tribal liai-
21 son:

22 “(1) Coordinating the prosecution of Federal
23 crimes that occur in Indian country.

1 “(2) Developing multidisciplinary teams to com-
2 bat child abuse and domestic and sexual violence of-
3 fenses against Indians.

4 “(3) Consulting and coordinating with tribal
5 justice officials and victims’ advocates to address
6 any backlog in the prosecution of major crimes in
7 Indian country in the district.

8 “(4) Developing working relationships and
9 maintaining communication with tribal leaders, trib-
10 al community and victims’ advocates, and tribal jus-
11 tice officials to gather information from, and share
12 appropriate information with, tribal justice officials.

13 “(5) Coordinating with tribal prosecutors in
14 cases in which a tribal government has concurrent
15 jurisdiction over an alleged crime, in advance of the
16 expiration of any applicable statute of limitation.

17 “(6) Providing technical assistance and training
18 regarding evidence gathering techniques to tribal
19 justice officials and other individuals and entities
20 that are instrumental to responding to Indian coun-
21 try crimes.

22 “(7) Conducting training sessions and seminars
23 to certify special law enforcement commissions to
24 tribal justice officials and other individuals and enti-

1 ties responsible for responding to Indian country
2 crimes.

3 “(8) Coordinating with the Office of Indian
4 Country Crime, as necessary.

5 “(9) Conducting such other activities to address
6 and prevent violent crime in Indian country as the
7 applicable United States Attorney determines to be
8 appropriate.

9 “(c) SENSE OF CONGRESS REGARDING EVALUA-
10 TIONS OF TRIBAL LIAISONS.—

11 “(1) FINDINGS.—Congress finds that—

12 “(A) many tribal communities rely solely
13 on United States Attorneys offices to prosecute
14 felony and misdemeanor crimes occurring on
15 Indian land; and

16 “(B) tribal liaisons have dual obligations
17 of—

18 “(i) coordinating prosecutions of In-
19 dian country crime; and

20 “(ii) developing relationships with
21 tribal communities and serving as a link
22 between tribal communities and the Fed-
23 eral justice process.

24 “(2) SENSE OF CONGRESS.—It is the sense of
25 Congress that the Attorney General should—

1 “(A) take all appropriate actions to en-
2 courage the aggressive prosecution of all crimes
3 committed in Indian country; and

4 “(B) when appropriate, take into consider-
5 ation the dual responsibilities of tribal liaisons
6 described in paragraph (1)(B) in evaluating the
7 performance of the tribal liaisons.

8 “(d) ENHANCED PROSECUTION OF MINOR
9 CRIMES.—

10 “(1) IN GENERAL.—Each United States Attor-
11 ney serving a district that includes Indian country is
12 authorized and encouraged—

13 “(A) to appoint Special Assistant United
14 States Attorneys pursuant to section 543(a) of
15 title 28, United States Code, to prosecute
16 crimes in Indian country as necessary to im-
17 prove the administration of justice, and particu-
18 larly when—

19 “(i) the crime rate exceeds the na-
20 tional average crime rate; or

21 “(ii) the rate at which criminal of-
22 fenses are declined to be prosecuted ex-
23 ceeds the national average declination rate;

24 “(B) to coordinate with applicable United
25 States magistrate and district courts—

1 “(i) to ensure the provision of docket
2 time for prosecutions of Indian country
3 crimes; and

4 “(ii) to hold trials and other pro-
5 ceedings in Indian country, as appropriate;

6 “(C) to provide to appointed Special As-
7 sistant United States Attorneys appropriate
8 training, supervision, and staff support; and

9 “(D) if an agreement is entered into with
10 a Federal court pursuant to paragraph (2), to
11 provide technical and other assistance to tribal
12 governments and tribal court systems to ensure
13 the success of the program under this sub-
14 section.

15 “(2) SENSE OF CONGRESS REGARDING CON-
16 SULTATION.—It is the sense of Congress that, in ap-
17 pointing Special Assistant United States Attorneys
18 under this subsection, a United States Attorney
19 should consult with tribal justice officials of each In-
20 dian tribe that would be affected by the appoint-
21 ment.”.

22 **SEC. 104. ADMINISTRATION.**

23 (a) OFFICE OF TRIBAL JUSTICE.—

1 (1) DEFINITIONS.—Section 4 of the Indian
2 Tribal Justice Technical and Legal Assistance Act of
3 2000 (25 U.S.C. 3653) is amended—

4 (A) by redesignating paragraphs (2)
5 through (7) as paragraphs (3) through (8), re-
6 spectively; and

7 (B) by inserting after paragraph (1) the
8 following:

9 “(2) DIRECTOR.—The term ‘Director’ means
10 the Director of the Office of Tribal Justice.”.

11 (2) STATUS.—Title I of the Indian Tribal Jus-
12 tice Technical and Legal Assistance Act of 2000 is
13 amended—

14 (A) by redesignating section 106 (25
15 U.S.C. 3666) as section 107; and

16 (B) by inserting after section 105 (25
17 U.S.C. 3665) the following:

18 **“SEC. 106. OFFICE OF TRIBAL JUSTICE.**

19 “(a) IN GENERAL.—Not later than 90 days after the
20 date of enactment of the Tribal Law and Order Act of
21 2009, the Attorney General shall modify the status of the
22 Office of Tribal Justice as the Attorney General deter-
23 mines to be necessary to establish the Office of Tribal Jus-
24 tice as a permanent division of the Department.

1 “(b) PERSONNEL AND FUNDING.—The Attorney
2 General shall provide to the Office of Tribal Justice such
3 personnel and funds as are necessary to establish the Of-
4 fice of Tribal Justice as a division of the Department
5 under subsection (a).

6 “(c) ADDITIONAL DUTIES.—In addition to the duties
7 of the Office of Tribal Justice in effect on the day before
8 the date of enactment of the Tribal Law and Order Act
9 of 2009, the Office of Tribal Justice shall—

10 “(1) serve as the program and legal policy advi-
11 sor to the Attorney General with respect to the trea-
12 ty and trust relationship between the United States
13 and Indian tribes;

14 “(2) serve as the point of contact for federally
15 recognized tribal governments and tribal organiza-
16 tions with respect to questions and comments re-
17 garding policies and programs of the Department
18 and issues relating to public safety and justice in In-
19 dian country; and

20 “(3) coordinate with other bureaus, agencies,
21 offices, and divisions within the Department of Jus-
22 tice to ensure that each component has an account-
23 able process to ensure meaningful and timely con-
24 sultation with tribal leaders in the development of
25 regulatory policies and other actions that affect—

1 “(A) the trust responsibility of the United
2 States to Indian tribes;

3 “(B) any tribal treaty provision;

4 “(C) the status of Indian tribes as a sov-
5 ereign governments; or

6 “(D) any other tribal interest.”.

7 (b) OFFICE OF INDIAN COUNTRY CRIME.—The In-
8 dian Law Enforcement Reform Act (25 U.S.C. 2801 et
9 seq.) (as amended by section 103(b)) is amended by add-
10 ing at the end the following:

11 **“SEC. 12. OFFICE OF INDIAN COUNTRY CRIME.**

12 “(a) ESTABLISHMENT.—There is established in the
13 criminal division of the Department of Justice an office,
14 to be known as the ‘Office of Indian Country Crime’.

15 “(b) DUTIES.—The Office of Indian Country Crime
16 shall—

17 “(1) develop, enforce, and administer the appli-
18 cation of Federal criminal laws applicable in Indian
19 country;

20 “(2) coordinate with the United States Attor-
21 neys that have authority to prosecute crimes in In-
22 dian country;

23 “(3) coordinate prosecutions of crimes of na-
24 tional significance in Indian country, as determined
25 by the Attorney General;

1 “(4) develop and implement criminal enforce-
2 ment policies for United States Attorneys and inves-
3 tigators of Federal crimes regarding cases arising in
4 Indian country; and

5 “(5) submit to the Committee on Indian Affairs
6 of the Senate and the Committee on Natural Re-
7 sources of the House of Representatives annual re-
8 ports describing the prosecution and declination
9 rates of cases involving alleged crimes in Indian
10 country referred to United States Attorneys.

11 “(c) DEPUTY ASSISTANT ATTORNEY GENERAL.—

12 “(1) APPOINTMENT.—The Attorney General
13 shall appoint a Deputy Assistant Attorney General
14 for Indian Country Crime.

15 “(2) DUTIES.—The Deputy Assistant Attorney
16 General for Indian Country Crime shall—

17 “(A) serve as the head of the Office of In-
18 dian Country Crime;

19 “(B) serve as a point of contact to United
20 State Attorneys serving districts including In-
21 dian country, tribal liaisons, tribal governments,
22 and other Federal, State, and local law enforce-
23 ment agencies regarding issues affecting the
24 prosecution of crime in Indian country; and

1 “(C) carry out such other duties as the At-
 2 torney General may prescribe.”.

3 **TITLE II—STATE ACCOUNT-**
 4 **ABILITY AND COORDINATION**

5 **SEC. 201. STATE CRIMINAL JURISDICTION AND RE-**
 6 **SOURCES.**

7 (a) CONCURRENT AUTHORITY OF UNITED
 8 STATES.—Section 401(a) of Public Law 90–284 (25
 9 U.S.C. 1321(a)) is amended—

10 (1) by striking the section designation and
 11 heading and all that follows through “The consent
 12 of the United States” and inserting the following:

13 **“SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDIC-**
 14 **TION.**

15 “(a) CONSENT OF UNITED STATES.—

16 “(1) IN GENERAL.—The consent of the United
 17 States”; and

18 (2) by adding at the end the following:

19 “(2) CONCURRENT JURISDICTION.—At the re-
 20 quest of an Indian tribe, and after consultation with
 21 the Attorney General, the United States shall main-
 22 tain concurrent jurisdiction to prosecute violations of
 23 sections 1152 and 1153 of title 18, United States
 24 Code, within the Indian country of the Indian
 25 tribe.”.

1 (b) APPLICABLE LAW.—Section 1162 of title 18,
2 United States Code, is amended by striking subsection (c)
3 and inserting the following:

4 “(c) APPLICABLE LAW.—At the request of an Indian
5 tribe, and after consultation with the Attorney General—

6 “(1) sections 1152 and 1153 of this title shall
7 remain in effect in the areas of the Indian country
8 of the Indian tribe; and

9 “(2) jurisdiction over those areas shall be con-
10 current among the Federal Government and State
11 and tribal governments.”.

12 **SEC. 202. INCENTIVES FOR STATE, TRIBAL, AND LOCAL**
13 **LAW ENFORCEMENT COOPERATION.**

14 (a) ESTABLISHMENT OF COOPERATIVE ASSISTANCE
15 PROGRAM.—The Attorney General may provide grants,
16 technical assistance, and other assistance to State, tribal,
17 and local governments that enter into cooperative agree-
18 ments, including agreements relating to mutual aid, hot
19 pursuit of suspects, and cross-deputization for the pur-
20 poses of—

21 (1) improving law enforcement effectiveness;
22 and

23 (2) reducing crime in Indian country and near-
24 by communities.

25 (b) PROGRAM PLANS.—

1 (1) IN GENERAL.—To be eligible to receive as-
2 sistance under this section, a group composed of not
3 less than 1 of each of a tribal government and a
4 State or local government shall jointly develop and
5 submit to the Attorney General a plan for a program
6 to achieve the purpose described in subsection (a).

7 (2) PLAN REQUIREMENTS.—A joint program
8 plan under paragraph (1) shall include a description
9 of—

10 (A) the proposed cooperative tribal and
11 State or local law enforcement program for
12 which funding is sought, including information
13 on the population and each geographic area to
14 be served by the program;

15 (B) the need of the proposed program for
16 funding under this section, the amount of fund-
17 ing requested, and the proposed use of funds,
18 subject to the requirements listed in subsection
19 (c);

20 (C) the unit of government that will ad-
21 minister any assistance received under this sec-
22 tion, and the method by which the assistance
23 will be distributed;

24 (D) the types of law enforcement services
25 to be performed on each applicable Indian res-

1 ervation and the individuals and entities that
2 will perform those services;

3 (E) the individual or group of individuals
4 who will exercise daily supervision and control
5 over law enforcement officers participating in
6 the program;

7 (F) the method by which local and tribal
8 government input with respect to the planning
9 and implementation of the program will be en-
10 sured;

11 (G) the policies of the program regarding
12 mutual aid, hot pursuit of suspects, deputiza-
13 tion, training, and insurance of applicable law
14 enforcement officers;

15 (H) the recordkeeping procedures and
16 types of data to be collected pursuant to the
17 program; and

18 (I) other information that the Attorney
19 General determines to be relevant.

20 (c) PERMISSIBLE USES OF FUNDS.—An eligible enti-
21 ty that receives a grant under this section may use the
22 grant, in accordance with the program plan described in
23 subsection (b)—

24 (1) to hire and train new career tribal, State,
25 or local law enforcement officers, or to make over-

1 time payments for current law enforcement officers,
2 that are or will be dedicated to—

3 (A) policing tribal land and nearby lands;

4 and

5 (B) investigating alleged crimes on those
6 lands;

7 (2) procure equipment, technology, or support
8 systems to be used to investigate crimes and share
9 information between tribal, State, and local law en-
10 forcement agencies; or

11 (3) for any other uses that the Attorney Gen-
12 eral determines will meet the purposes described in
13 subsection (a).

14 (d) FACTORS FOR CONSIDERATION.—In determining
15 whether to approve a joint program plan submitted under
16 subsection (b) and, on approval, the amount of assistance
17 to provide to the program, the Attorney General shall take
18 into consideration the following factors:

19 (1) The size and population of each Indian res-
20 ervation and nearby community proposed to be
21 served by the program.

22 (2) The complexity of the law enforcement
23 problems proposed to be addressed by the program.

24 (3) The range of services proposed to be pro-
25 vided by the program.

1 (4) The proposed improvements the program
2 will make regarding law enforcement cooperation be-
3 yond existing levels of cooperation.

4 (5) The crime rates of the tribal and nearby
5 communities.

6 (6) The available resources of each entity apply-
7 ing for a grant under this section for dedication to
8 public safety in the respective jurisdictions of the en-
9 tities.

10 (e) ANNUAL REPORTS.—To be eligible to renew or
11 extend a grant under this section, a group described in
12 subsection (b)(1) shall submit to the Attorney General, to-
13 gether with the joint program plan under subsection (b),
14 a report describing the law enforcement activities carried
15 out pursuant to the program during the preceding fiscal
16 year, including the success of the activities, including any
17 increase in arrests or prosecutions.

18 (f) REPORTS BY ATTORNEY GENERAL.—Not later
19 than January 15 of each applicable fiscal year, the Attor-
20 ney General shall submit to the Committee on Indian Af-
21 fairs of the Senate and the Committee on Natural Re-
22 sources of the House of Representatives a report describ-
23 ing the law enforcement programs carried out using assist-
24 ance provided under this section during the preceding fis-
25 cal year, including the success of the programs.

1 (g) TECHNICAL ASSISTANCE.—On receipt of a re-
 2 quest from a group composed of not less than 1 tribal
 3 government and 1 State or local government, the Attorney
 4 General shall provide technical assistance to the group to
 5 develop successful cooperative relationships that effectively
 6 combat crime in Indian country and nearby communities.

7 (h) AUTHORIZATION OF APPROPRIATIONS.—There
 8 are authorized to be appropriated such sums as are nec-
 9 essary to carry out this section for each of fiscal years
 10 2010 through 2014.

11 **TITLE III—EMPOWERING TRIBAL**
 12 **LAW ENFORCEMENT AGEN-**
 13 **CIES AND TRIBAL GOVERN-**
 14 **MENTS**

15 **SEC. 301. TRIBAL POLICE OFFICERS.**

16 (a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT
 17 OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of
 18 the Indian Law Enforcement Reform Act (25 U.S.C.
 19 2802(e)) (as amended by section 101(b)(4)) is amended—

20 (1) in paragraph (1)—

21 (A) by striking “(e)(1) The Secretary” and
 22 inserting the following:

23 “(e) STANDARDS OF EDUCATION AND EXPERIENCE
 24 AND CLASSIFICATION OF POSITIONS.—

1 “(1) STANDARDS OF EDUCATION AND EXPERI-
2 ENCE.—

3 “(A) IN GENERAL.—The Secretary”; and
4 (B) by adding at the end the following:

5 “(B) TRAINING.—The training standards
6 established under subparagraph (A) shall per-
7 mit law enforcement personnel of the Office of
8 Justice Services or an Indian tribe to obtain
9 training at a State or tribal police academy, a
10 local or tribal community college, or another
11 training academy that meets the relevant Peace
12 Officer Standards and Training.”;

13 (2) in paragraph (3), by striking “Agencies”
14 and inserting “agencies”; and

15 (3) by adding at the end the following:

16 “(4) BACKGROUND CHECKS FOR OFFICERS.—
17 The Office of Justice Services shall develop stand-
18 ards and deadlines for the provision of background
19 checks for tribal law enforcement and corrections of-
20 ficials that ensure that a response to a request by
21 an Indian tribe for such a background check shall be
22 provided by not later than 60 days after the date of
23 receipt of the request, unless an adequate reason for
24 failure to respond by that date is provided to the In-
25 dian tribe.”.

1 (b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—
2 Section 5(a) of the Indian Law Enforcement Reform Act
3 (25 U.S.C. 2804(a)) is amended—

4 (1) by striking “(a) The Secretary may enter
5 into an agreement” and inserting the following:

6 “(a) AGREEMENTS.—

7 “(1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of the Tribal Law and
9 Order Act of 2009, the Secretary shall establish pro-
10 cedures to enter into memoranda of agreement”;

11 (2) in the second sentence, by striking “The
12 Secretary” and inserting the following:

13 “(2) CERTAIN ACTIVITIES.—The Secretary”;
14 and

15 (3) by adding at the end the following:

16 “(3) PROGRAM ENHANCEMENT.—

17 “(A) TRAINING SESSIONS IN INDIAN COUN-
18 TRY.—

19 “(i) IN GENERAL.—The procedures
20 described in paragraph (1) shall include
21 the development of a plan to enhance the
22 certification and provision of special law
23 enforcement commissions to tribal law en-
24 forcement officials, and, subject to sub-

1 section (d), State and local law enforce-
2 ment officials, pursuant to this section.

3 “(ii) INCLUSIONS.—The plan under
4 clause (i) shall include the hosting of re-
5 gional training sessions in Indian country,
6 not less frequently than biannually, to edu-
7 cate and certify candidates for the special
8 law enforcement commissions.

9 “(B) MEMORANDA OF AGREEMENT.—

10 “(i) IN GENERAL.—Not later than
11 180 days after the date of enactment of
12 the Tribal Law and Order Act of 2009, the
13 Secretary, in consultation with Indian
14 tribes and tribal law enforcement agencies,
15 shall develop minimum requirements to be
16 included in special law enforcement com-
17 mission agreements pursuant to this sec-
18 tion.

19 “(ii) AGREEMENT.—Not later than 60
20 days after the date on which the Secretary
21 determines that all applicable requirements
22 under clause (i) are met, the Secretary
23 shall offer to enter into a special law en-
24 forcement commission agreement with the
25 applicable Indian tribe.”.

1 (c) INDIAN LAW ENFORCEMENT FOUNDATION.—The
 2 Indian Self-Determination and Education Assistance Act
 3 (25 U.S.C. 450 et seq.) is amended by adding at the end
 4 the following:

5 **“TITLE VII—INDIAN LAW**
 6 **ENFORCEMENT FOUNDATION**

7 **“SEC. 701. INDIAN LAW ENFORCEMENT FOUNDATION.**

8 “(a) ESTABLISHMENT.—As soon as practicable after
 9 the date of enactment of this title, the Secretary shall es-
 10 tablish, under the laws of the District of Columbia and
 11 in accordance with this title, a foundation, to be known
 12 as the ‘Indian Law Enforcement Foundation’ (referred to
 13 in this section as the ‘Foundation’).

14 “(b) DUTIES.—The Foundation shall—

15 “(1) encourage, accept, and administer, in ac-
 16 cordance with the terms of each donation, private
 17 gifts of real and personal property, and any income
 18 from or interest in such gifts, for the benefit of, or
 19 in support of, public safety and justice services in
 20 American Indian and Alaska Native communities;
 21 and

22 “(2) assist the Office of Justice Services of the
 23 Bureau of Indian Affairs and Indian tribal govern-
 24 ments in funding and conducting activities and pro-
 25 viding education to advance and support the provi-

1 sion of public safety and justice services in American
2 Indian and Alaska Native communities.”.

3 (d) ACCEPTANCE AND ASSISTANCE.—Section 5 of the
4 Indian Law Enforcement Reform Act (25 U.S.C. 2804)
5 is amended by adding at the end the following:

6 “(g) ACCEPTANCE OF ASSISTANCE.—The Bureau
7 may accept reimbursement, resources, assistance, or fund-
8 ing from—

9 “(1) a Federal, tribal, State, or other govern-
10 ment agency; or

11 “(2) the Indian Law Enforcement Foundation
12 established under section 701(a) of the Indian Self-
13 Determination and Education Assistance Act.”.

14 **SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.**

15 (a) EDUCATION AND RESEARCH PROGRAMS.—Sec-
16 tion 502 of the Controlled Substances Act (21 U.S.C. 872)
17 is amended in subsections (a)(1) and (c), by inserting “
18 tribal,” after “State,” each place it appears.

19 (b) PUBLIC-PRIVATE EDUCATION PROGRAM.—Sec-
20 tion 503 of the Comprehensive Methamphetamine Control
21 Act of 1996 (21 U.S.C. 872a) is amended—

22 (1) in subsection (a), by inserting “tribal,”
23 after “State,”; and

24 (2) in subsection (b)(2), by inserting “, tribal,”
25 after “State”.

1 (c) COOPERATIVE ARRANGEMENTS.—Section 503 of
 2 the Controlled Substances Act (21 U.S.C. 873) is amend-
 3 ed—

4 (1) in subsection (a)—

5 (A) by inserting “tribal,” after “State,”
 6 each place it appears; and

7 (B) in paragraphs (6) and (7), by inserting
 8 “, tribal,” after “State” each place it appears;
 9 and

10 (2) in subsection (d)(1), by inserting “, tribal,”
 11 after “State”.

12 (d) POWERS OF ENFORCEMENT PERSONNEL.—Sec-
 13 tion 508(a) of the Controlled Substances Act (21 U.S.C.
 14 878(a)) is amended in the matter preceding paragraph (1)
 15 by inserting “, tribal,” after “State”.

16 **SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION**
 17 **DATABASES.**

18 (a) ACCESS TO NATIONAL CRIMINAL INFORMATION
 19 DATABASES.—Section 534 of title 28, United States Code,
 20 is amended—

21 (1) in subsection (a)(4), by inserting “Indian
 22 tribes,” after “the States,”;

23 (2) by striking subsection (d) and inserting the
 24 following:

1 “(d) INDIAN LAW ENFORCEMENT AGENCIES.—The
2 Attorney General shall permit tribal and Bureau of Indian
3 Affairs law enforcement agencies—

4 “(1) to directly access and enter information
5 into Federal criminal information databases; and

6 “(2) to directly obtain information from the
7 databases.”;

8 (3) by redesignating the second subsection (e)
9 as subsection (f); and

10 (4) in paragraph (2) of subsection (f) (as reded-
11 icated by paragraph (3)), in the matter preceding
12 subparagraph (A), by inserting “, tribal,” after
13 “Federal”.

14 (b) REQUIREMENT.—

15 (1) IN GENERAL.—The Attorney General shall
16 ensure that tribal law enforcement officials that
17 meet applicable Federal or State requirements have
18 access to national crime information databases.

19 (2) SANCTIONS.—For purpose of sanctions for
20 noncompliance with requirements of, or misuse of,
21 national crime information databases and informa-
22 tion obtained from those databases, a tribal law en-
23 forcement agency or official shall be treated as Fed-
24 eral law enforcement agency or official.

1 (3) NCIC.—Each tribal justice official serving
 2 an Indian tribe with criminal jurisdiction over In-
 3 dian country shall be considered to be an authorized
 4 law enforcement official for purposes of access to the
 5 National Crime Information Center of the Federal
 6 Bureau of Investigation.

7 **SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.**

8 (a) CONSTITUTIONAL RIGHTS.—Section 202 of Pub-
 9 lic Law 90–284 (25 U.S.C. 1302) is amended—

10 (1) in the matter preceding paragraph (1), by
 11 striking “No Indian tribe” and inserting the fol-
 12 lowing:

13 “(a) IN GENERAL.—No Indian tribe”;

14 (2) in paragraph (7) of subsection (a) (as des-
 15 ignated by paragraph (1)), by striking “and a fine”
 16 and inserting “or a fine”; and

17 (3) by adding at the end the following:

18 “(b) TRIBAL COURTS AND PRISONERS.—

19 “(1) IN GENERAL.—Notwithstanding paragraph
 20 (7) of subsection (a) and in addition to the limita-
 21 tions described in the other paragraphs of that sub-
 22 section, no Indian tribe, in exercising any power of
 23 self-government involving a criminal trial that sub-
 24 jects a defendant to more than 1 year imprisonment
 25 for any single offense, may—

1 “(A) deny any person in such a criminal
2 proceeding the assistance of a defense attorney
3 licensed to practice law in any jurisdiction in
4 the United States;

5 “(B) require excessive bail, impose an ex-
6 cessive fine, inflict a cruel or unusual punish-
7 ment, or impose for conviction of a single of-
8 fense any penalty or punishment greater than
9 imprisonment for a term of 3 years or a fine of
10 \$15,000, or both; or

11 “(C) deny any person in such a criminal
12 proceeding the due process of law.

13 “(2) AUTHORITY.—An Indian tribe exercising
14 authority pursuant to this subsection shall—

15 “(A) require that each judge presiding over
16 an applicable criminal case is licensed to prac-
17 tice law in any jurisdiction in the United
18 States; and

19 “(B) make publicly available the criminal
20 laws (including regulations and interpretive doc-
21 uments) of the Indian tribe.

22 “(3) SENTENCES.—A tribal court acting pursu-
23 ant to paragraph (1) may require a convicted of-
24 fender—

25 “(A) to serve the sentence—

1 “(i) in a tribal correctional center that
2 has been approved by the Bureau of Indian
3 Affairs for long-term incarceration, in ac-
4 cordance with guidelines developed by the
5 Bureau of Indian Affairs, in consultation
6 with Indian tribes;

7 “(ii) in the nearest appropriate Fed-
8 eral facility, at the expense of the United
9 States pursuant to a memorandum of
10 agreement with Bureau of Prisons in ac-
11 cordance with paragraph (4);

12 “(iii) in a State or local government-
13 approved detention or correctional center
14 pursuant to an agreement between the In-
15 dian tribe and the State or local govern-
16 ment; or

17 “(iv) subject to paragraph (1), in an
18 alternative rehabilitation center of an In-
19 dian tribe; or

20 “(B) to serve another alternative form of
21 punishment, as determined by the tribal court
22 judge pursuant to tribal law.

23 “(4) MEMORANDA OF AGREEMENT.—A memo-
24 randum of agreement between an Indian tribe and
25 the Bureau of Prisons under paragraph (2)(A)(ii)—

1 “(A) shall acknowledge that the United
2 States will incur all costs involved, including the
3 costs of transfer, housing, medical care, reha-
4 bilitation, and reentry of transferred prisoners;

5 “(B) shall limit the transfer of prisoners to
6 prisoners convicted in tribal court of violent
7 crimes, crimes involving sexual abuse, and seri-
8 ous drug offenses, as determined by the Bureau
9 of Prisons, in consultation with tribal govern-
10 ments, by regulation;

11 “(C) shall not affect the jurisdiction, power
12 of self-government, or any other authority of an
13 Indian tribe over the territory or members of
14 the Indian tribe;

15 “(D) shall contain such other requirements
16 as the Bureau of Prisons, in consultation with
17 the Bureau of Indian Affairs and tribal govern-
18 ments, may determine, by regulation; and

19 “(E) shall be executed and carried out not
20 later than 180 days after the date on which the
21 applicable Indian tribe first contacts the Bu-
22 reau of Prisons to accept a transfer of a tribal
23 court offender pursuant to this subsection.

24 “(c) EFFECT OF SECTION.—Nothing in this section
25 affects the obligation of the United States, or any State

1 government that has been delegated authority by the
2 United States, to investigate and prosecute any criminal
3 violation in Indian country.”.

4 (b) GRANTS AND CONTRACTS.—Section 1007(b) of
5 the Economic Opportunity Act of 1964 (42 U.S.C.
6 2996f(b)) is amended by striking paragraph (2) and in-
7 serting the following:

8 “(2) to provide legal assistance with respect to
9 any criminal proceeding, except to provide assistance
10 to a person charged with an offense in an Indian
11 tribal court;”.

12 **SEC. 305. INDIAN LAW AND ORDER COMMISSION.**

13 (a) ESTABLISHMENT.—There is established a com-
14 mission to be known as the Indian Law and Order Com-
15 mission (referred to in this section as the “Commission”).

16 (b) MEMBERSHIP.—

17 (1) IN GENERAL.—The Commission shall be
18 composed of 9 members, of whom—

19 (A) 3 shall be appointed by the President,
20 in consultation with—

21 (i) the Attorney General; and

22 (ii) the Secretary of the Interior;

23 (B) 2 shall be appointed by the majority
24 leader of the Senate, in consultation with the

1 Chairperson of the Committee on Indian Affairs
2 of the Senate;

3 (C) 1 shall be appointed by the minority
4 leader of the Senate, in consultation with the
5 Vice Chairperson of the Committee on Indian
6 Affairs of the Senate;

7 (D) 2 shall be appointed by the Speaker of
8 the House of Representatives, in consultation
9 with the Chairperson of the Committee on Nat-
10 ural Resources of the House of Representatives;
11 and

12 (E) 1 shall be appointed by the minority
13 leader of the House of Representatives, in con-
14 sultation with the Ranking Member of the Com-
15 mittee on Natural Resources of the House of
16 Representatives.

17 (2) REQUIREMENTS FOR ELIGIBILITY.—Each
18 member of the Commission shall have significant ex-
19 perience and expertise in—

20 (A) the Indian country criminal justice sys-
21 tem; and

22 (B) matters to be studied by the Commis-
23 sion.

24 (3) CONSULTATION REQUIRED.—The President,
25 the Speaker and minority leader of the House of

1 Representatives, and the majority leader and minor-
2 ity leader of the Senate shall consult before the ap-
3 pointment of members of the Commission under
4 paragraph (1) to achieve, to the maximum extent
5 practicable, fair and equitable representation of var-
6 ious points of view with respect to the matters to be
7 studied by the Commission.

8 (4) TERM.—Each member shall be appointed
9 for the life of the Commission.

10 (5) TIME FOR INITIAL APPOINTMENTS.—The
11 appointment of the members of the Commission
12 shall be made not later than 60 days after the date
13 of enactment of this Act.

14 (6) VACANCIES.—A vacancy in the Commission
15 shall be filled—

16 (A) in the same manner in which the origi-
17 nal appointment was made; and

18 (B) not later than 60 days after the date
19 on which the vacancy occurred.

20 (c) OPERATION.—

21 (1) CHAIRPERSON.—Not later than 15 days
22 after the date on which all members of the Commis-
23 sion have been appointed, the Commission shall se-
24 lect 1 member to serve as Chairperson of the Com-
25 mission.

1 (2) MEETINGS.—

2 (A) IN GENERAL.—The Commission shall
3 meet at the call of the Chairperson.

4 (B) INITIAL MEETING.—The initial meet-
5 ing shall take place not later than 30 days after
6 the date described in paragraph (1).

7 (3) QUORUM.—A majority of the members of
8 the Commission shall constitute a quorum, but a
9 lesser number of members may hold hearings.

10 (4) RULES.—The Commission may establish, by
11 majority vote, any rules for the conduct of Commis-
12 sion business, in accordance with this Act and other
13 applicable law.

14 (d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE
15 SYSTEM RELATING TO INDIAN COUNTRY.—The Commis-
16 sion shall conduct a comprehensive study of law enforce-
17 ment and criminal justice in tribal communities, includ-
18 ing—

19 (1) jurisdiction over crimes committed in Indian
20 country and the impact of that jurisdiction on—

21 (A) the investigation and prosecution of
22 Indian country crimes; and

23 (B) residents of Indian land;

24 (2) the tribal jail and Federal prisons systems
25 and the effect of those systems with respect to—

1 (A) reducing Indian country crime; and

2 (B) rehabilitation of offenders;

3 (3)(A) tribal juvenile justice systems and the
4 Federal juvenile justice system as relating to Indian
5 country; and

6 (B) the effect of those systems and related pro-
7 grams in preventing juvenile crime, rehabilitating In-
8 dian youth in custody, and reducing recidivism
9 among Indian youth;

10 (4) the impact of the Indian Civil Rights Act of
11 1968 (25 U.S.C. 1301 et seq.) on—

12 (A) the authority of Indian tribes; and

13 (B) the rights of defendants subject to
14 tribal government authority; and

15 (5) studies of such other subjects as the Com-
16 mission determines relevant to achieve the purposes
17 of the Tribal Law and Order Act of 2009.

18 (e) RECOMMENDATIONS.—Taking into consideration
19 the results of the study under paragraph (1), the Commis-
20 sion shall develop recommendations on necessary modifica-
21 tions and improvements to justice systems at the tribal,
22 Federal, and State levels, including consideration of—

23 (1) simplifying jurisdiction in Indian country;

24 (2) improving services and programs—

1 (A) to prevent juvenile crime on Indian
2 land;

3 (B) to rehabilitate Indian youth in custody;
4 and

5 (C) to reduce recidivism among Indian
6 youth;

7 (3) enhancing the penal authority of tribal
8 courts and exploring alternatives to incarceration;

9 (4) the establishment of satellite United States
10 magistrate or district courts in Indian country;

11 (5) changes to the tribal jails and Federal pris-
12 on systems; and

13 (6) other issues that, as determined by the
14 Commission, would reduce violent crime in Indian
15 country.

16 (f) REPORT.—Not later than 2 years after the date
17 of enactment of this Act, the Commission shall submit to
18 the President and Congress a report that contains—

19 (1) a detailed statement of the findings and
20 conclusions of the Commission; and

21 (2) the recommendations of the Commission for
22 such legislative and administrative actions as the
23 Commission considers to be appropriate.

24 (g) POWERS.—

25 (1) HEARINGS.—

1 (A) IN GENERAL.—The Commission may
2 hold such hearings, meet and act at such times
3 and places, take such testimony, and receive
4 such evidence as the Commission considers to
5 be advisable to carry out the duties of the Com-
6 mission under this section.

7 (B) PUBLIC REQUIREMENT.—The hearings
8 of the Commission under this paragraph shall
9 be open to the public.

10 (2) WITNESS EXPENSES.—

11 (A) IN GENERAL.—A witness requested to
12 appear before the Commission shall be paid the
13 same fees as are paid to witnesses under section
14 1821 of title 28, United States Code.

15 (B) PER DIEM AND MILEAGE.—The per
16 diem and mileage allowance for a witness shall
17 be paid from funds made available to the Com-
18 mission.

19 (3) INFORMATION FROM FEDERAL, TRIBAL,
20 AND STATE AGENCIES.—

21 (A) IN GENERAL.—The Commission may
22 secure directly from a Federal agency such in-
23 formation as the Commission considers to be
24 necessary to carry out this section.

1 (B) TRIBAL AND STATE AGENCIES.—The
2 Commission may request the head of any tribal
3 or State agency to provide to the Commission
4 such information as the Commission considers
5 to be necessary to carry out this section.

6 (4) POSTAL SERVICES.—The Commission may
7 use the United States mails in the same manner and
8 under the same conditions as other agencies of the
9 Federal Government.

10 (5) GIFTS.—The Commission may accept, use,
11 and dispose of gifts or donations of services or prop-
12 erty.

13 (h) COMMISSION PERSONNEL MATTERS.—

14 (1) TRAVEL EXPENSES.—A member of the
15 Commission shall be allowed travel expenses, includ-
16 ing per diem in lieu of subsistence, at rates author-
17 ized for an employee of an agency under subchapter
18 I of chapter 57 of title 5, United States Code, while
19 away from the home or regular place of business of
20 the member in the performance of the duties of the
21 Commission.

22 (2) DETAIL OF FEDERAL EMPLOYEES.—On the
23 affirmative vote of $\frac{2}{3}$ of the members of the Com-
24 mission and the approval of the appropriate Federal
25 agency head, an employee of the Federal Govern-

1 ment may be detailed to the Commission without re-
2 imbursement, and such detail shall be without inter-
3 ruption or loss of civil service status, benefits, or
4 privileges.

5 (3) PROCUREMENT OF TEMPORARY AND INTER-
6 MITTENT SERVICES.—On request of the Commis-
7 sion, the Attorney General and Secretary shall pro-
8 vide to the Commission reasonable and appropriate
9 office space, supplies, and administrative assistance.

10 (i) CONTRACTS FOR RESEARCH.—

11 (1) RESEARCHERS AND EXPERTS.—

12 (A) IN GENERAL.—On an affirmative vote
13 of $\frac{2}{3}$ of the members of the Commission, the
14 Commission may select nongovernmental re-
15 searchers and experts to assist the Commission
16 in carrying out the duties of the Commission
17 under this section.

18 (B) NATIONAL INSTITUTE OF JUSTICE.—

19 The National Institute of Justice may enter
20 into a contract with the researchers and experts
21 selected by the Commission under subpara-
22 graph (A) to provide funding in exchange for
23 the services of the researchers and experts.

24 (2) OTHER ORGANIZATIONS.—Nothing in this
25 subsection limits the ability of the Commission to

1 enter into contracts with any other entity or organi-
2 zation to carry out research necessary to carry out
3 the duties of the Commission under this section.

4 (j) TRIBAL ADVISORY COMMITTEE.—

5 (1) ESTABLISHMENT.—The Commission shall
6 establish a committee, to be known as the “Tribal
7 Advisory Committee”.

8 (2) MEMBERSHIP.—

9 (A) COMPOSITION.—The Tribal Advisory
10 Committee shall consist of 2 representatives of
11 Indian tribes from each region of the Bureau of
12 Indian Affairs.

13 (B) QUALIFICATIONS.—Each member of
14 the Tribal Advisory Committee shall have expe-
15 rience relating to—

16 (i) justice systems;

17 (ii) crime prevention; or

18 (iii) victim services.

19 (3) DUTIES.—The Tribal Advisory Committee
20 shall—

21 (A) serve as an advisory body to the Com-
22 mission; and

23 (B) provide to the Commission advice and
24 recommendations, submit materials, documents,
25 testimony, and such other information as the

1 Commission determines to be necessary to carry
 2 out the duties of the Commission under this
 3 section.

4 (k) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated such sums as are nec-
 6 essary to carry out this section, to remain available until
 7 expended.

8 (l) TERMINATION OF COMMISSION.—The Commis-
 9 sion shall terminate 90 days after the date on which the
 10 Commission submits the report of the Commission under
 11 subsection (c)(3).

12 (m) NONAPPLICABILITY OF FACA.—The Federal
 13 Advisory Committee Act (5 U.S.C. App.) shall not apply
 14 to the Commission.

15 **TITLE IV—TRIBAL JUSTICE** 16 **SYSTEMS**

17 **SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.**

18 (a) CORRECTION OF REFERENCES.—

19 (1) INTER-DEPARTMENTAL MEMORANDUM OF
 20 AGREEMENT.—Section 4205 of the Indian Alcohol
 21 and Substance Abuse Prevention and Treatment Act
 22 of 1986 (25 U.S.C. 2411) is amended—

23 (A) in subsection (a)—

24 (i) in the matter preceding paragraph

25 (1)—

1 (I) by striking “the date of en-
2 actment of this subtitle” and inserting
3 “the date of enactment of the Tribal
4 Law and Order Act of 2009”; and

5 (II) by inserting “, the Attorney
6 General,” after “Secretary of the In-
7 terior”;

8 (ii) in paragraph (2)(A), by inserting
9 “, Bureau of Justice Assistance, Substance
10 Abuse and Mental Health Services Admin-
11 istration,” after “Bureau of Indian Af-
12 fairs,”;

13 (iii) in paragraph (4), by inserting “,
14 Department of Justice, Substance Abuse
15 and Mental Health Services Administra-
16 tion,” after “Bureau of Indian Affairs”;

17 (iv) in paragraph (5), by inserting “,
18 Department of Justice, Substance Abuse
19 and Mental Health Services Administra-
20 tion,” after “Bureau of Indian Affairs”;

21 (v) in paragraph (7), by inserting “,
22 the Attorney General,” after “Secretary of
23 the Interior”;

1 (B) in subsection (c), by inserting “, the
2 Attorney General,” after “Secretary of the Inte-
3 rior”; and

4 (C) in subsection (d), by striking “the date
5 of enactment of this subtitle” and inserting
6 “the date of enactment of the Tribal Law and
7 Order Act of 2009”.

8 (2) TRIBAL ACTION PLANS.—Section 4206 of
9 the Indian Alcohol and Substance Abuse Prevention
10 and Treatment Act of 1986 (25 U.S.C. 2412) is
11 amended—

12 (A) in subsection (b), in the first sentence,
13 by inserting “, the Bureau of Justice Assist-
14 ance, the Substance Abuse and Mental Health
15 Services Administration,” before “and the In-
16 dian Health Service service unit”;

17 (B) in subsection (c)(1)(A)(i), by inserting
18 “, the Bureau of Justice Assistance, the Sub-
19 stance Abuse and Mental Health Services Ad-
20 ministration,” before “and the Indian Health
21 Service service unit”;

22 (C) in subsection (d)(2), by striking “fiscal
23 year 1993 and such sums as are necessary for
24 each of the fiscal years 1994, 1995, 1996,

1 1997, 1998, 1999, and 2000” and inserting
 2 “the period of fiscal years 2010 through 2014”;

3 (D) in subsection (e), in the first sentence,
 4 by inserting “, the Attorney General,” after
 5 “the Secretary of the Interior”; and

6 (E) in subsection (f)(3), by striking “fiscal
 7 year 1993 and such sums as are necessary for
 8 each of the fiscal years 1994, 1995, 1996,
 9 1997, 1998, 1999, and 2000” and inserting
 10 “the period of fiscal years 2010 through 2014”.

11 (3) DEPARTMENTAL RESPONSIBILITY.—Section
 12 4207 of the Indian Alcohol and Substance Abuse
 13 Prevention and Treatment Act of 1986 (25 U.S.C.
 14 2413) is amended—

15 (A) in subsection (a), by inserting “, the
 16 Attorney General” after “Bureau of Indian Af-
 17 fairs”;

18 (B) in subsection (b)—

19 (i) by striking paragraph (1) and in-
 20 serting the following:

21 “(1) ESTABLISHMENT.—

22 “(A) IN GENERAL.—To improve coordina-
 23 tion among the Federal agencies and depart-
 24 ments carrying out this subtitle, there is estab-
 25 lished within the Substance Abuse and Mental

1 Health Services Administration an office, to be
 2 known as the ‘Office of Indian Alcohol and
 3 Substance Abuse’ (referred to in this section as
 4 the ‘Office’).

5 “(B) DIRECTOR.—The director of the Of-
 6 fice shall be appointed by the Director of the
 7 Substance Abuse and Mental Health Services
 8 Administration—

9 “(i) on a permanent basis; and

10 “(ii) at a grade of not less than GS-
 11 15 of the General Schedule.”;

12 (ii) in paragraph (2)—

13 (I) by striking “(2) In addition”
 14 and inserting the following:

15 “(2) RESPONSIBILITIES OF OFFICE.—In addi-
 16 tion”;

17 (II) by striking subparagraph (A)
 18 and inserting the following:

19 “(A) coordinating with other agencies to
 20 monitor the performance and compliance of the
 21 relevant Federal programs in achieving the
 22 goals and purposes of this subtitle and the
 23 Memorandum of Agreement entered into under
 24 section 4205;”;

25 (III) in subparagraph (B)—

1 (aa) by striking “within the
2 Bureau of Indian Affairs”; and

3 (bb) by striking the period
4 at the end and inserting “; and”;
5 and

6 (IV) by adding at the end the fol-
7 lowing:

8 “(C) not later than 1 year after the date
9 of enactment of the Tribal Law and Order Act
10 of 2009, developing, in coordination and con-
11 sultation with tribal governments, a framework
12 for interagency and tribal coordination that—

13 “(i) establish the goals and other de-
14 sired outcomes of this Act;

15 “(ii) prioritizes outcomes that are
16 aligned with the purposes of affected agen-
17 cies;

18 “(iii) provides guidelines for resource
19 and information sharing;

20 “(iv) provides technical assistance to
21 the affected agencies to establish effective
22 and permanent interagency communication
23 and coordination; and

1 “(v) determines whether collaboration
2 is feasible, cost-effective, and within agency
3 capability.”; and

4 (iii) by striking paragraph (3) and in-
5 serting the following:

6 “(3) APPOINTMENT OF EMPLOYEES.—The Di-
7 rector of the Substance Abuse and Mental Health
8 Services Administration shall appoint such employ-
9 ees to work in the Office, and shall provide such
10 funding, services, and equipment, as may be nec-
11 essary to enable the Office to carry out the respon-
12 sibilities under this subsection.”; and

13 (C) in subsection (c)—

14 (i) by striking “of Alcohol and Sub-
15 stance Abuse” each place it appears;

16 (ii) in paragraph (1), in the second
17 sentence, by striking “The Assistant Sec-
18 retary of the Interior for Indian Affairs”
19 and inserting “The Director of the Sub-
20 stance Abuse and Mental Health Services
21 Administration”; and

22 (iii) in paragraph (3)—

23 (I) in the matter preceding sub-
24 paragraph (A), by striking “Youth”
25 and inserting “youth”; and

1 (II) by striking “programs of the
2 Bureau of Indian Affairs” and insert-
3 ing “the applicable Federal pro-
4 grams”.

5 (4) REVIEW OF PROGRAMS.—Section 4208a(a)
6 of the Indian Alcohol and Substance Abuse Preven-
7 tion and Treatment Act of 1986 (25 U.S.C.
8 2414a(a)) is amended in the matter preceding para-
9 graph (1) by inserting “, the Attorney General,”
10 after “the Secretary of the Interior”.

11 (5) FEDERAL FACILITIES, PROPERTY, AND
12 EQUIPMENT.—Section 4209 of the Indian Alcohol
13 and Substance Abuse Prevention and Treatment Act
14 of 1986 (25 U.S.C. 2415) is amended—

15 (A) in subsection (a), by inserting “, the
16 Attorney General,” after “the Secretary of the
17 Interior”;

18 (B) in subsection (b)—

19 (i) in the first sentence, by inserting
20 “, the Attorney General,” after “the Sec-
21 retary of the Interior”;

22 (ii) in the second sentence, by insert-
23 ing “, nor the Attorney General,” after
24 “the Secretary of the Interior”; and

1 (iii) in the third sentence, by inserting
2 “, the Department of Justice,” after “the
3 Department of the Interior”; and
4 (C) in subsection (c)(1), by inserting “, the
5 Attorney General,” after “the Secretary of the
6 Interior”.

7 (6) NEWSLETTER.—Section 4210 of the Indian
8 Alcohol and Substance Abuse Prevention and Treat-
9 ment Act of 1986 (25 U.S.C. 2416) is amended—

10 (A) in subsection (a), in the first sentence,
11 by inserting “, the Attorney General,” after
12 “the Secretary of the Interior”; and

13 (B) in subsection (b), by striking “fiscal
14 year 1993 and such sums as may be necessary
15 for each of the fiscal years 1994, 1995, 1996,
16 1997, 1998, 1999, and 2000” and inserting
17 “the period of fiscal years 2010 through 2014”.

18 (7) REVIEW.—Section 4211(a) of the Indian
19 Alcohol and Substance Abuse Prevention and Treat-
20 ment Act of 1986 (25 U.S.C. 2431(a)) is amended
21 in the matter preceding paragraph (1) by inserting
22 “, the Attorney General,” after “the Secretary of the
23 Interior”.

24 (b) INDIAN EDUCATION PROGRAMS.—Section 4212
25 of the Indian Alcohol and Substance Abuse Prevention Act

1 of 1986 (25 U.S.C. 2432) is amended by striking sub-
2 section (a) and inserting the following:

3 “(a) SUMMER YOUTH PROGRAMS.—

4 “(1) IN GENERAL.—The head of the Indian Al-
5cohol and Substance Abuse Program, in coordination
6 with the Assistant Secretary for Indian Affairs, shall
7 develop and implement programs in tribal schools
8 and schools funded by the Bureau of Indian Edu-
9 cation (subject to the approval of the local school
10 board or contract school board) to determine the ef-
11 fectiveness of summer youth programs in advancing
12 the purposes and goals of this Act.

13 “(2) COSTS.—The head of the Indian Alcohol
14 and Substance Abuse Program and the Assistant
15 Secretary shall defray all costs associated with the
16 actual operation and support of the summer youth
17 programs in a school from funds appropriated to
18 carry out this subsection.

19 “(3) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to carry out
21 the programs under this subsection such sums as
22 are necessary for each of fiscal years 2010 through
23 2014.”.

1 (c) EMERGENCY SHELTERS.—Section 4213(e) of the
2 Indian Alcohol and Substance Abuse Prevention and
3 Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

4 (1) in paragraph (1), by striking “as may be
5 necessary” and all that follows through the end of
6 the paragraph and inserting “as are necessary for
7 each of fiscal years 2010 through 2014.”;

8 (2) in paragraph (2), by striking “\$7,000,000”
9 and all that follows through the end of the para-
10 graph and inserting “\$10,000,000 for each of fiscal
11 years 2010 through 2014.”; and

12 (3) by indenting paragraphs (4) and (5) appro-
13 priately.

14 (d) REVIEW OF PROGRAMS.—Section 4215(a) of the
15 Indian Alcohol and Substance Abuse Prevention and
16 Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended
17 by inserting “, the Attorney General,” after “the Sec-
18 retary of the Interior”.

19 (e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE
20 ERADICATION.—Section 4216 of the Indian Alcohol and
21 Substance Abuse Prevention and Treatment Act of 1986
22 (25 U.S.C. 2442) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1)—

1 (i) in subparagraph (A), by striking
2 the comma at the end and inserting a
3 semicolon;

4 (ii) in subparagraph (B), by striking
5 “, and” at the end and inserting a semi-
6 colon;

7 (iii) in subparagraph (C), by striking
8 the period at the end and inserting “;
9 and”; and

10 (iv) by adding at the end the fol-
11 lowing:

12 “(D) the Blackfeet Nation of Montana for
13 the investigation and control of illegal narcotics
14 traffic on the Blackfeet Indian Reservation
15 along the border with Canada.”;

16 (B) in paragraph (2), by striking “United
17 States Custom Service” and inserting “United
18 States Customs and Border Protection”; and

19 (C) by striking paragraph (3) and insert-
20 ing the following:

21 “(3) AUTHORIZATION OF APPROPRIATIONS.—

22 There are authorized to be appropriated to carry out
23 this subsection such sums as are necessary for each
24 of fiscal years 2010 through 2014.”; and

1 (2) in subsection (b)(2), by striking “as may be
2 necessary” and all that follows through the end of
3 the paragraph and inserting “as are necessary for
4 each of fiscal years 2010 through 2014.”.

5 (f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—
6 Section 4218 of the Indian Alcohol and Substance Abuse
7 Prevention and Treatment Act of 1986 (25 U.S.C. 2451)
8 is amended—

9 (1) by striking subsection (a) and inserting the
10 following:

11 “(a) TRAINING PROGRAMS.—

12 “(1) IN GENERAL.—The Secretary of the Inte-
13 rior, in coordination with the Attorney General, the
14 Administrator of the Drug Enforcement Administra-
15 tion, and the Director of the Federal Bureau of In-
16 vestigation, shall ensure, through the establishment
17 of a new training program or by supplementing ex-
18 isting training programs, that all Bureau of Indian
19 Affairs and tribal law enforcement and judicial per-
20 sonnel have access to training regarding—

21 “(A) the investigation and prosecution of
22 offenses relating to illegal narcotics; and

23 “(B) alcohol and substance abuse preven-
24 tion and treatment.

1 “(2) YOUTH-RELATED TRAINING.—Any train-
 2 ing provided to Bureau of Indian Affairs or tribal
 3 law enforcement or judicial personnel under para-
 4 graph (1) shall include training in issues relating to
 5 youth alcohol and substance abuse prevention and
 6 treatment.”; and

7 (2) in subsection (b), by striking “as may be
 8 necessary” and all that follows through the end of
 9 the subsection and inserting “as are necessary for
 10 each of fiscal years 2010 through 2014.”.

11 (g) JUVENILE DETENTION CENTERS.—Section 4220
 12 of the Indian Alcohol and Substance Abuse Prevention
 13 and Treatment Act of 1986 (25 U.S.C. 2453) is amend-
 14 ed—

15 (1) in subsection (a)—

16 (A) by striking “The Secretary” the first
 17 place it appears and inserting the following:

18 “(1) IN GENERAL.—The Secretary”;

19 (B) in the second sentence, by striking
 20 “The Secretary shall” and inserting the fol-
 21 lowing:

22 “(2) CONSTRUCTION AND OPERATION.—The
 23 Secretary shall”; and

24 (C) by adding at the end the following:

25 “(3) DEVELOPMENT OF PLAN.—

1 “(A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this para-
3 graph, the Secretary, the Director of the Sub-
4 stance Abuse and Mental Health Services Ad-
5 ministration, the Director of the Indian Health
6 Service, and the Attorney General, in consulta-
7 tion with tribal leaders and tribal justice offi-
8 cials, shall develop a long-term plan for the con-
9 struction, renovation, and operation of Indian
10 juvenile detention and treatment centers and al-
11 ternatives to detention for juvenile offenders.

12 “(B) COORDINATION.—The plan under
13 subparagraph (A) shall require the Bureau of
14 Indian Education and the Indian Health Serv-
15 ice to coordinate with tribal and Bureau of In-
16 dian Affairs juvenile detention centers to pro-
17 vide services to those centers.”; and

18 (2) in subsection (b)—

19 (A) by striking “such sums as may be nec-
20 essary for each of the fiscal years 1994, 1995,
21 1996, 1997, 1998, 1999, and 2000” each place
22 it appears and inserting “such sums as are nec-
23 essary for each of fiscal years 2010 through
24 2014”; and

1 (B) by indenting paragraph (2) appro-
2 priately.

3 **SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL**
4 **ASSISTANCE.**

5 (a) INDIAN TRIBAL JUSTICE.—

6 (1) BASE SUPPORT FUNDING.—Section 103(b)
7 of the Indian Tribal Justice Act (25 U.S.C.
8 3613(b)) is amended by striking paragraph (2) and
9 inserting the following:

10 “(2) the employment of tribal court personnel,
11 including tribal court judges, prosecutors, public de-
12 fenders, guardians ad litem, and court-appointed
13 special advocates for children and juveniles;”.

14 (2) TRIBAL JUSTICE SYSTEMS.—Section 201 of
15 the Indian Tribal Justice Act (25 U.S.C. 3621) is
16 amended—

17 (A) in subsection (a)—

18 (i) by striking “the provisions of sec-
19 tions 101 and 102 of this Act” and insert-
20 ing “sections 101 and 102”; and

21 (ii) by striking “the fiscal years 2000
22 through 2007” and inserting “fiscal years
23 2010 through 2014”;

24 (B) in subsection (b)—

1 (i) by striking “the provisions of sec-
 2 tion 103 of this Act” and inserting “sec-
 3 tion 103”; and

4 (ii) by striking “the fiscal years 2000
 5 through 2007” and inserting “fiscal years
 6 2010 through 2014”;

7 (C) in subsection (c), by striking “the fis-
 8 cal years 2000 through 2007” and inserting
 9 “fiscal years 2010 through 2014”; and

10 (D) in subsection (d), by striking “the fis-
 11 cal years 2000 through 2007” and inserting
 12 “fiscal years 2010 through 2014”.

13 (b) TECHNICAL AND LEGAL ASSISTANCE.—

14 (1) TRIBAL CIVIL LEGAL ASSISTANCE
 15 GRANTS.—Section 102 of the Indian Tribal Justice
 16 Technical and Legal Assistance Act of 2000 (25
 17 U.S.C. 3662) is amended by inserting “(including
 18 guardians ad litem and court-appointed special advo-
 19 cates for children and juveniles)” after “civil legal
 20 assistance”.

21 (2) TRIBAL CRIMINAL LEGAL ASSISTANCE
 22 GRANTS.—Section 103 of the Indian Tribal Justice
 23 Technical and Legal Assistance Act of 2000 (25
 24 U.S.C. 3663) is amended by striking “criminal legal
 25 assistance to members of Indian tribes and tribal

1 justice systems” and inserting “criminal legal assist-
 2 ance services to all defendants subject to tribal court
 3 jurisdiction and judicial services for tribal courts”.

4 (3) FUNDING.—The Indian Tribal Justice
 5 Technical and Legal Assistance Act of 2000 is
 6 amended—

7 (A) in section 106 (25 U.S.C. 3666), by
 8 striking “2000 through 2004” and inserting
 9 “2010 through 2014”; and

10 (B) in section 201(d) (25 U.S.C. 3681(d)),
 11 by striking “2000 through 2004” and inserting
 12 “2010 through 2014”.

13 **SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.**

14 Section 1701 of the Omnibus Crime Control and Safe
 15 Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

16 (1) in subsection (b)—

17 (A) in each of paragraphs (1) through (4)
 18 and (6) through (17), by inserting “to” after
 19 the paragraph designation;

20 (B) in paragraph (1), by striking “State
 21 and” and inserting “State, tribal, or”;

22 (C) in paragraphs (9) and (10), by insert-
 23 ing “, tribal,” after “State” each place it ap-
 24 pears;

25 (D) in paragraph (15)—

1 (i) by striking “a State in” and in-
2 serting “a State or Indian tribe in”;

3 (ii) by striking “the State which” and
4 inserting “the State or tribal community
5 that”; and

6 (iii) by striking “a State or” and in-
7 serting “a State, tribal, or”;

8 (E) in paragraph (16), by striking “and”
9 at the end

10 (F) in paragraph (17), by striking the pe-
11 riod at the end and inserting “; and”;

12 (G) by redesignating paragraphs (6)
13 through (17) as paragraphs (5) through (16),
14 respectively; and

15 (H) by adding at the end the following:

16 “(17) to permit tribal governments receiving di-
17 rect law enforcement services from the Bureau of In-
18 dian Affairs to access the program under this sec-
19 tion on behalf of the Bureau for use in accordance
20 with paragraphs (1) through (16).”.

21 (2) in subsection (i), by striking “The author-
22 ity” and inserting “Except as provided in subsection
23 (j), the authority”; and

24 (3) by adding at the end the following:

25 “(j) GRANTS TO INDIAN TRIBES.—

1 “(1) IN GENERAL.—Notwithstanding subsection
2 (i) and section 1703, and in acknowledgment of the
3 Federal nexus and distinct Federal responsibility to
4 address and prevent crime in Indian country, the At-
5 torney General shall provide grants under this sec-
6 tion to Indian tribal governments, for fiscal year
7 2010 and any fiscal year thereafter, for such period
8 as the Attorney General determines to be appro-
9 priate to assist the Indian tribal governments in car-
10 rying out the purposes described in subsection (b).

11 “(2) PRIORITY OF FUNDING.—In providing
12 grants to Indian tribal governments under this sub-
13 section, the Attorney General shall take into consid-
14 eration reservation crime rates and tribal law en-
15 forcement staffing needs of each Indian tribal gov-
16 ernment.

17 “(3) FEDERAL SHARE.—Because of the Federal
18 nature and responsibility for providing public safety
19 on Indian land, the Federal share of the cost of any
20 activity carried out using a grant under this sub-
21 section shall be 100 percent.

22 “(4) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated such sums
24 as are necessary to carry out this subsection for
25 each of fiscal years 2010 through 2014.

1 “(k) REPORT.—Not later than 180 days after the
 2 date of enactment of this subsection, the Attorney General
 3 shall submit to Congress a report describing the extent
 4 and effectiveness of the Community Oriented Policing
 5 (COPS) initiative as applied in Indian country, including
 6 particular references to—

7 “(1) the problem of intermittent funding;

8 “(2) the integration of COPS personnel with
 9 existing law enforcement authorities; and

10 “(3) an explanation of how the practice of com-
 11 munity policing and the broken windows theory can
 12 most effectively be applied in remote tribal loca-
 13 tions.”.

14 **SEC. 404. TRIBAL JAILS PROGRAM.**

15 (a) IN GENERAL.—Section 20109 of the Violent
 16 Crime Control and Law Enforcement Act of 1994 (42
 17 U.S.C. 13709) is amended by striking subsection (a) and
 18 inserting the following:

19 “(a) RESERVATION OF FUNDS.—Notwithstanding
 20 any other provision of this part, of amounts made avail-
 21 able to the Attorney General to carry out programs relat-
 22 ing to offender incarceration, the Attorney General shall
 23 reserve \$35,000,000 for each of fiscal years 2010 through
 24 2014 to carry out this section.”.

25 (b) REGIONAL DETENTION CENTERS.—

1 (1) IN GENERAL.—Section 20109 of the Violent
2 Crime Control and Law Enforcement Act of 1994
3 (42 U.S.C. 13709) is amended by striking sub-
4 section (b) and inserting the following:

5 “(b) GRANTS TO INDIAN TRIBES.—

6 “(1) IN GENERAL.—From the amounts reserved
7 under subsection (a), the Attorney General shall pro-
8 vide grants—

9 “(A) to Indian tribes for purposes of—

10 “(i) construction and maintenance of
11 jails on Indian land for the incarceration
12 of offenders subject to tribal jurisdiction;

13 “(ii) entering into contracts with pri-
14 vate entities to increase the efficiency of
15 the construction of tribal jails; and

16 “(iii) developing and implementing al-
17 ternatives to incarceration in tribal jails;

18 “(B) to Indian tribes for the construction
19 of tribal justice centers that combine tribal po-
20 lice, courts, and corrections services to address
21 violations of tribal civil and criminal laws;

22 “(C) to consortia of Indian tribes for pur-
23 poses of constructing and operating regional de-
24 tention centers on Indian land for long-term in-
25 carceration of offenders subject to tribal juris-

1 diction, as the applicable consortium determines
2 to be appropriate.

3 “(2) PRIORITY OF FUNDING.—in providing
4 grants under this subsection, the Attorney General
5 shall take into consideration applicable—

6 “(A) reservation crime rates;

7 “(B) annual tribal court convictions; and

8 “(C) bed space needs.

9 “(3) FEDERAL SHARE.—Because of the Federal
10 nature and responsibility for providing public safety
11 on Indian land, the Federal share of the cost of any
12 activity carried out using a grant under this sub-
13 section shall be 100 percent.”.

14 (2) CONFORMING AMENDMENT.—Section
15 20109(c) of the Violent Crime Control and Law En-
16 forcement Act of 1994 (42 U.S.C. 13709(c)) is
17 amended by inserting “or consortium of Indian
18 tribes, as applicable,” after “Indian tribe”.

19 (3) LONG-TERM PLAN.—Section 20109 of the
20 Violent Crime Control and Law Enforcement Act of
21 1994 (42 U.S.C. 13709) is amended by adding at
22 the end the following:

23 “(d) LONG-TERM PLAN.—Not later than 1 year after
24 the date of enactment of this subsection, the Attorney
25 General, in coordination with the Bureau of Indian Affairs

1 and in consultation with tribal leaders, tribal law enforce-
 2 ment officers, and tribal corrections officials, shall submit
 3 to Congress a long-term plan to address incarceration in
 4 Indian country, including a description of—

5 “(1) proposed activities for construction of de-
 6 tention facilities (including regional facilities) on In-
 7 dian land;

8 “(2) proposed activities for construction of ad-
 9 ditional Federal detention facilities on Indian land;

10 “(3) proposed activities for contracting with
 11 State and local detention centers, with tribal govern-
 12 ment approval;

13 “(4) proposed alternatives to incarceration, de-
 14 veloped in cooperation with tribal court systems; and

15 “(5) such other alternatives as the Attorney
 16 General, in coordination with the Bureau of Indian
 17 Affairs and in consultation with Indian tribes, deter-
 18 mines to be necessary.”.

19 **SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.**

20 Title II of the Indian Tribal Justice Technical and
 21 Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.)
 22 is amended by adding at the end the following:

23 **“SEC. 203. ASSISTANT PAROLE AND PROBATION OFFICERS.**

24 “To the maximum extent practicable, the Director of
 25 the Administrative Office of the United States Courts, in

1 coordination with the Office of Tribal Justice and the Di-
 2 rector of the Office of Justice Services, shall—

3 “(1) appoint individuals residing in Indian
 4 country to serve as assistant parole or probation of-
 5 ficers for purposes of monitoring and providing serv-
 6 ice to Federal prisoners residing in Indian country;
 7 and

8 “(2) provide substance abuse, mental health,
 9 and other related treatment services to offenders re-
 10 siding on Indian land.”.

11 **SEC. 406. TRIBAL YOUTH PROGRAM.**

12 (a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY
 13 PREVENTION PROGRAMS.—

14 (1) IN GENERAL.—Section 504 of the Juvenile
 15 Justice and Delinquency Prevention Act of 1974 (42
 16 U.S.C. 5783) is amended—

17 (A) in subsection (a), by inserting “, or to
 18 Indian tribes under subsection (d)” after “sub-
 19 section (b)”;

20 (B) by adding at the end the following:

21 “(d) GRANTS FOR TRIBAL DELINQUENCY PREVEN-
 22 TION AND RESPONSE PROGRAMS.—

23 “(1) IN GENERAL.—The Administrator shall
 24 make grants under this section, on a competitive

1 basis, to eligible Indian tribes or consortia of Indian
2 tribes, as described in paragraph (2)—

3 “(A) to support and enhance—

4 “(i) tribal juvenile delinquency preven-
5 tion services; and

6 “(ii) the ability of Indian tribes to re-
7 spond to, and care for, juvenile offenders;
8 and

9 “(B) to encourage accountability of Indian
10 tribal governments with respect to preventing
11 juvenile delinquency and responding to, and
12 caring for, juvenile offenders.

13 “(2) ELIGIBLE INDIAN TRIBES.—To be eligible
14 to receive a grant under this subsection, an Indian
15 tribe or consortium of Indian tribes shall submit to
16 the Administrator an application in such form and
17 containing such information as the Administrator
18 may require.

19 “(3) PRIORITY OF FUNDING.—In providing
20 grants under this subsection, the Administrator shall
21 take into consideration, with respect to the reserva-
22 tion communities to be served—

23 “(A) juvenile crime rates;

24 “(B) dropout rates; and

25 “(C) percentage of at-risk youth.”.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 Section 505 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5784) is amend-
4 ed by striking “fiscal years 2004, 2005, 2006, 2007,
5 and 2008” and inserting “each of fiscal years 2010
6 through 2014”.

7 (b) COORDINATING COUNCIL ON JUVENILE JUSTICE
8 AND DELINQUENCY PREVENTION.—Section 206(a)(2) of
9 the Juvenile Justice and Delinquency Prevention Act of
10 1974 (42 U.S.C. 5616(a)(2)) is amended—

11 (1) in subparagraph (A), by striking “Nine”
12 and inserting “Ten”; and

13 (2) in subparagraph (B), by adding at the end
14 the following:

15 “(iv) One member shall be appointed
16 by the Chairman of the Committee on In-
17 dian Affairs of the Senate, in consultation
18 with the Vice Chairman of that Com-
19 mittee.”.

1 **TITLE V—INDIAN COUNTRY**
 2 **CRIME DATA COLLECTION**
 3 **AND INFORMATION SHARING**

4 **SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN**
 5 **COUNTRY.**

6 (a) GANG VIOLENCE.—Section 1107 of the Violence
 7 Against Women and Department of Justice Reauthoriza-
 8 tion Act of 2005 (28 U.S.C. 534 note; Public Law 109–
 9 162) is amended—

10 (1) in subsection (a)—

11 (A) by redesignating paragraphs (8)
 12 through (12) as paragraphs (9) through (13),
 13 respectively;

14 (B) by inserting after paragraph (7) the
 15 following:

16 “(8) the Office of Justice Services of the Bu-
 17 reau of Indian Affairs;”;

18 (C) in paragraph (9) (as redesignated by
 19 subparagraph (A)), by striking “State” and in-
 20 serting “tribal, State,”; and

21 (D) in paragraphs (10) through (12) (as
 22 redesignated by subparagraph (A)), by inserting
 23 “tribal,” before “State,” each place it appears;
 24 and

1 (2) in subsection (b), by inserting “tribal,” be-
2 fore “State,” each place it appears.

3 (b) BUREAU OF JUSTICE STATISTICS.—Section 302
4 of the Omnibus Crime Control and Safe Streets Act of
5 1968 (42 U.S.C. 3732) is amended—

6 (1) in subsection (c)—

7 (A) in paragraph (1), by inserting “, In-
8 dian tribes,” after “contracts with”;

9 (B) in each of paragraphs (3) through (6),
10 by inserting “tribal,” after “State,” each place
11 it appears;

12 (C) in paragraph (7), by inserting “and in
13 Indian country” after “States”;

14 (D) in paragraph (9), by striking “Federal
15 and State Governments” and inserting “Fed-
16 eral Government and State and tribal govern-
17 ments”;

18 (E) in each of paragraphs (10) and (11),
19 by inserting “, tribal,” after “State” each place
20 it appears;

21 (F) in paragraph (13), by inserting “, In-
22 dian tribes,” after “States”;

23 (G) in paragraph (17)—

24 (i) by striking “State and local” and
25 inserting “State, tribal, and local”; and

1 (ii) by striking “State, and local” and
 2 inserting “State, tribal, and local”;

3 (H) in paragraph (18), by striking “State
 4 and local” and inserting “State, tribal, and
 5 local”;

6 (I) in paragraph (19), by inserting “and
 7 tribal” after “State” each place it appears;

8 (J) in paragraph (20), by inserting “, trib-
 9 al,” after “State”; and

10 (K) in paragraph (22), by inserting “, trib-
 11 al,” after “Federal”;

12 (2) in subsection (d)—

13 (A) by redesignating paragraphs (1)
 14 through (6) as subparagraphs (A) through (F),
 15 respectively, and indenting the subparagraphs
 16 appropriately;

17 (B) by striking “To insure” and inserting
 18 the following:

19 “(1) IN GENERAL.—To ensure”; and

20 (C) by adding at the end the following:

21 “(2) CONSULTATION WITH INDIAN TRIBES.—

22 The Director, acting jointly with the Assistant Sec-
 23 retary for Indian Affairs (acting through the Direc-
 24 tor of the Office of Law Enforcement Services) and
 25 the Director of the Federal Bureau of Investigation,

1 shall work with Indian tribes and tribal law enforce-
 2 ment agencies to establish and implement such tribal
 3 data collection systems as the Director determines to
 4 be necessary to achieve the purposes of this sec-
 5 tion.”;

6 (3) in subsection (e), by striking “subsection
 7 (d)(3)” and inserting “subsection (d)(1)(C)”;

8 (4) in subsection (f)—

9 (A) in the subsection heading, by inserting
 10 “, Tribal,” after “State”; and

11 (B) by inserting “, tribal,” after “State”;

12 and

13 (5) by adding at the end the following:

14 “(g) REPORT TO CONGRESS ON CRIMES IN INDIAN
 15 COUNTRY.—Not later than 1 year after the date of enact-
 16 ment of this subsection, and annually thereafter, the Di-
 17 rector shall submit to Congress a report describing the
 18 data collected and analyzed under this section relating to
 19 crimes in Indian country.”.

20 **SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION**
 21 **SYSTEMS.**

22 Section 3 of the Indian Law Enforcement Reform Act
 23 (25 U.S.C. 2802) is amended by adding at the end the
 24 following:

1 “(f) GRANTS TO IMPROVE TRIBAL DATA COLLEC-
2 TION SYSTEMS.—

3 “(1) GRANT PROGRAM.—The Secretary, acting
4 through the Director of the Office of Justice Serv-
5 ices of the Bureau and in coordination with the At-
6 torney General, shall establish a program under
7 which the Secretary shall provide grants to Indian
8 tribes for activities to ensure uniformity in the col-
9 lection and analysis of data relating to crime in In-
10 dian country.

11 “(2) REGULATIONS.—The Secretary, acting
12 through the Director of the Office of Justice Serv-
13 ices of the Bureau, in consultation with tribal gov-
14 ernments and tribal justice officials, shall promul-
15 gate such regulations as are necessary to carry out
16 the grant program under this subsection.”.

17 **SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT PRO-**
18 **GRAM.**

19 Section 1301(a) of the Omnibus Crime Control and
20 Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amend-
21 ed by inserting “, tribal,” after “State”.

1 **TITLE VI—DOMESTIC VIOLENCE**
2 **AND SEXUAL ASSAULT PROS-**
3 **ECUTION AND PREVENTION**

4 **SEC. 601. PRISONER RELEASE AND REENTRY.**

5 Section 4042 of title 18, United States Code, is
6 amended—

7 (1) in subsection (a)(4), by inserting “, tribal,”
8 after “State”;

9 (2) in subsection (b)(1), in the first sentence,
10 by striking “officer of the State and of the local ju-
11 risdiction” and inserting “officers of each State,
12 tribal, and local jurisdiction”; and

13 (3) in subsection (c)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A), by striking
16 “officer of the State and of the local juris-
17 diction” and inserting “officers of each
18 State, tribal, and local jurisdiction”; and

19 (ii) in subparagraph (B), by inserting
20 “, tribal,” after “State” each place it ap-
21 pears; and

22 (B) in paragraph (2)—

23 (i) by striking “(2) Notice” and in-
24 serting the following:

25 “(2) REQUIREMENTS.—

1 “(A) IN GENERAL.—A notice”;

2 (ii) in the second sentence, by striking

3 “For a person who is released” and insert-

4 ing the following:

5 “(B) RELEASED PERSONS.—For a person

6 who is released”;

7 (iii) in the third sentence, by striking

8 “For a person who is sentenced” and in-

9 serting the following:

10 “(C) PERSONS ON PROBATION.—For a

11 person who is sentenced”;

12 (iv) in the fourth sentence, by striking

13 “Notice concerning” and inserting the fol-

14 lowing:

15 “(D) RELEASED PERSONS REQUIRED TO

16 REGISTER.—

17 “(i) IN GENERAL.—A notice con-

18 cerning”; and

19 (v) in subparagraph (D) (as des-

20 ignated by clause (iv)), by adding at the

21 end the following:

22 “(ii) PERSONS RESIDING IN INDIAN

23 COUNTRY.—For a person described in

24 paragraph (3) the expected place of resi-

25 dence of whom is potentially located in In-

1 dian country, the Director of the Bureau
2 of Prisons or the Director of the Adminis-
3 trative Office of the United States Courts,
4 as appropriate, shall—

5 “(I) make all reasonable and nec-
6 essary efforts to determine whether
7 the residence of the person is located
8 in Indian country; and

9 “(II) ensure that the person is
10 registered with the law enforcement
11 office of each appropriate jurisdiction
12 before release from Federal custody.”.

13 **SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE**
14 **TRAINING.**

15 Section 3(c)(9) of the Indian Law Enforcement Re-
16 form Act (25 U.S.C. 2802(c)(9)) (as amended by section
17 101(a)(2)) is amended by inserting before the semicolon
18 at the end the following: “, including training to properly
19 interview victims of domestic and sexual violence and to
20 collect, preserve, and present evidence to Federal and trib-
21 al prosecutors to increase the conviction rate for domestic
22 and sexual violence offenses for purposes of addressing
23 and preventing domestic and sexual violent offenses”.

1 **SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN CASES**
2 **OF RAPE AND SEXUAL ASSAULT.**

3 The Indian Law Enforcement Reform Act (25 U.S.C.
4 2801 et seq.) is amended by adding at the end the fol-
5 lowing:

6 **“SEC. 11. TESTIMONY BY FEDERAL EMPLOYEES IN CASES**
7 **OF RAPE AND SEXUAL ASSAULT.**

8 “(a) APPROVAL OF EMPLOYEE TESTIMONY.—The
9 Director of the Office of Justice Services or the Director
10 of the Indian Health Service, as appropriate (referred to
11 in this section as the ‘Director concerned’), shall approve
12 or disapprove, in writing, any request or subpoena for a
13 law enforcement officer, sexual assault nurse examiner, or
14 other employee under the supervision of the Director con-
15 cerned to provide testimony in a deposition, trial, or other
16 similar proceeding regarding information obtained in car-
17 rying out the official duties of the employee.

18 “(b) REQUIREMENT.—The Director concerned shall
19 approve a request or subpoena under subsection (a) if the
20 request or subpoena does not violate the policy of the De-
21 partment of the Interior to maintain strict impartiality
22 with respect to private causes of action.

23 “(c) TREATMENT.—If the Director concerned fails to
24 approve or disapprove a request or subpoena by the date
25 that is 30 days after the date of receipt of the request

1 or subpoena, the request or subpoena shall be considered
2 to be approved for purposes of this section.”.

3 **SEC. 604. COORDINATION OF FEDERAL AGENCIES.**

4 The Indian Law Enforcement Reform Act (25 U.S.C.
5 2801 et seq.) (as amended by section 603) is amended
6 by adding at the end the following:

7 **“SEC. 12. COORDINATION OF FEDERAL AGENCIES.**

8 “(a) IN GENERAL.—The Secretary, in coordination
9 with the Attorney General, Federal and tribal law enforce-
10 ment agencies, the Indian Health Service, and domestic
11 violence or sexual assault victim organizations, shall de-
12 velop appropriate victim services and victim advocate
13 training programs—

14 “(1) to improve domestic violence or sexual
15 abuse responses;

16 “(2) to improve forensic examinations and col-
17 lection;

18 “(3) to identify problems or obstacles in the
19 prosecution of domestic violence or sexual abuse; and

20 “(4) to meet other needs or carry out other ac-
21 tivities required to prevent, treat, and improve pros-
22 ecutions of domestic violence and sexual abuse.

23 “(b) REPORT.—Not later than 2 years after the date
24 of enactment of this section, the Secretary shall submit
25 to the Committee on Indian Affairs of the Senate and the

1 Committee on Natural Resources of the House of Rep-
2 resentatives a report that describes, with respect to the
3 matters described in subsection (a), the improvements
4 made and needed, problems or obstacles identified, and
5 costs necessary to address the problems or obstacles, and
6 any other recommendations that the Secretary determines
7 to be appropriate.”.

8 **SEC. 605. SEXUAL ASSAULT PROTOCOL.**

9 Title VIII of the Indian Health Care Improvement
10 Act is amended by inserting after section 802 (25 U.S.C.
11 1672) the following:

12 **“SEC. 803. POLICIES AND PROTOCOL.**

13 “The Director of Service, in coordination with the Di-
14 rector of the Office on Violence Against Women of the
15 Department of Justice, in consultation with Indian Tribes
16 and Tribal Organizations, and in conference with Urban
17 Indian Organizations, shall develop standardized sexual
18 assault policies and protocol for the facilities of the Serv-
19 ice, based on similar protocol that has been established
20 by the Department of Justice.”.

